

REMARKS

In response to the Office Action and the Decision, Applicants have amended claims 1, 10, and 19. Claim 30 has been cancelled. No new matter has been added. Claims 1-29 are pending. Applicants respectfully request that the Examiner reconsider and withdraw all outstanding objections and rejections in view of the amendments and remarks.

I. CLAIM REJECTIONS UNDER 35 U.S.C. § 112

The Office Action rejects claim 28 under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement.

Applicants note with appreciation the withdrawal of the above written description rejection on page 7 of the Examiner's Answer mailed on February 20, 2008. Accordingly, Applicants assume that the written description rejection of claim 28 in the Office Action is withdrawn.

II. CLAIM REJECTIONS UNDER 35 U.S.C. § 102(a)

The Office Action rejects claims 1-27 under 35 U.S.C. § 102(a) as allegedly being anticipated by IBM ("The Business Intelligence Infrastructure on S/390 Accessing DB2 on OS/390") ("IBM") as evidenced by Hahn et al. ("Capacity Planning for Business Intelligence Applications: Approaches and Methodologies") ("Hahn") and IBM[1] ("OS/390 Resource Measurement Facility Report Analysis") ("IBM1"). Applicants respectfully traverse this rejection.

Claim 1 has been amended to recite:

A computer-implemented method for capturing at least one statistic or data regarding performance operation of a business intelligence reporting system that generates business intelligence reports based on requests submitted to perform analysis of data contained in a database, the method comprising the steps of:

gathering at least one statistic or data related to the performance operation of the reporting system while the reporting system is operating;
analyzing the at least one statistic or data; and
generating at least two outputs based on the gathered at least one statistic or data, wherein the at least one output includes an alert if the analysis of the at least one statistic or data indicates that a condition has occurred, and wherein at least two of the at least two outputs comprise statistics records, at least one of the statistics records containing one or more prompts.

Similar claim amendments have been made to independent claims 10 and 19. Applicants note with appreciation the indication on page 15 of the Office Action that claim 30 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1, 10, and 19 have been rewritten to incorporate the limitations of claim 30. Applicants believe IBM and Hahn fail to disclose the limitations of claims 1, 10, and 19. Accordingly, Applicants believe claims 1, 10, and 19 are now in condition for allowance.

Regarding claims 2-8, 11-17, 20-26, and 29, these claims are dependent upon independent claims 1, 10, and 19 respectively. Thus, since independent claims 1, 10, and 19 should be allowable as discussed above, claims 2-8, 11-17, 20-26, and 29 should also be allowable at least by virtue of their dependency on independent claim 1, 10, and 19. Moreover, these claims recite additional features which are not disclosed, by the cited references.

In view of the foregoing, Applicants respectfully request that the aforementioned anticipation rejection of claims 1-8, 10-17, 19-26, and 29 be withdrawn.

III. CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)

The Office Action rejects claims 9, 18, and 27 under 35 U.S.C. 103(a) as allegedly being unpatentable over IBM as evidenced by Hahn and IBM1, in further view of U.S. Patent

Application Publication 2002/0046204 to Hayes ("Hayes"). Applicants respectfully traverse this rejection.

Applicants respectfully submit that the aforementioned obviousness rejection of claims 9, 18, and 27 is improper in view of the deficiencies of the primary references (*i.e.*, IBM and Hahn) as discussed above with respect to amended independent claim 1, 10, and 19. That is, claims 9, 18, and 27 are dependent upon independent claims 1, 10, and 19 respectively and thus inherently incorporate all of the limitations of independent claims 1, 10, and 19. Also, the secondary reference (*i.e.*, Hayes) fail to disclose, or even suggest, the deficiencies of the primary references as discussed above with respect to independent claims 1, 10, and 19. Thus, the combination of the secondary reference with the primary references also fails to disclose, or even suggest, the deficiencies of the primary references as discussed above with respect to independent claim 1, 10, and 19. Accordingly, claims 9, 18, and 27 should be allowable over the combination of the secondary reference with the primary references at least by virtue of their dependency on independent claim 1, 10, and 19 respectively. Moreover, claims 9, 18, and 27 recite additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

In view of the foregoing, Applicants respectfully request that the aforementioned obviousness rejection of claims 9, 18, and 27 be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. If the Examiner believes that prosecution and allowance of the application will be expedited through an interview, whether personal or telephonic, the Examiner is invited to telephone the undersigned with any suggestions leading to the favorable disposition of the application.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

HUNTON & WILLIAMS LLP

By: 

Ozzie A. Farres

Registration No. 43,606

Dated: 6/22/09
Hunton & Williams LLP
Intellectual Property Department
1900 K Street, N.W.
Suite 1200
Washington, DC 20006-1109
(202) 955-1500 (telephone)
(202) 778-2201 (facsimile)